

**CRM-M-30263-2020**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-30263-2020**

**Date of decision: 30.09.2020**

Nitin Lamba

...Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Sanjiv Gupta, Advocate,  
for the petitioner.

**HARNARESH SINGH GILL, J. (ORAL)**

Case is taken up for hearing through Video Conferencing.

The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to the official respondents to entrust the investigation of FIR No.82 dated 09.04.2015, registered at Police Station Agroha, District Hisar, under Sections 392, 323, 452, 467, 468, 471, 506 and 120-B IPC, to some independent agency for conducting fair and impartial investigation.

At the outset, learned counsel for the petitioner submits that the petitioner will be satisfied, if the present petition is disposed of with liberty to the petitioner to move an appropriate application before the concerned Magistrate, and with a direction to the Magistrate to decide the same within a time bound manner.

Notice of motion to respondents No.1 to 4 only, at this stage.

On the asking of this Court, Mr. Ramesh Kumar Ambavta,

AAG, Haryana, accepts notice on behalf of respondents No.1 to 4.

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Learned counsel for the petitioner is directed to supply a copy of paper-book to the learned State counsel during the course of the day, itself.

In the present matter in hand, protest petition is pending before the Judicial Magistrate Ist Class, Hisar, who vide order dated 14.09.2020, observed that cancellation report in the above-noted FIR had been sent for re-investigation and no final report had been received yet, and accordingly, the matter was adjourned for 18.09.2020. Statedly, the matter is still pending before the Judicial Magistrate Ist Class, Hisar, for 06.10.2020. Therefore, in view of the judgment of the Hon'ble Supreme Court in Vinubhai Haribhai Malaviya and Ors. Vs. The State of Gujarat and Anr., 2019 AIR (SC) 5233, (para 23), it is always open to the petitioner to move an appropriate application before the concerned court.

Without going into the merits of the pleas raised in the present petition, the same is disposed of with liberty to the petitioner to move an appropriate application before the concerned Magistrate, with all the pleas, as have been raised in the present petition.

It is made clear that if the such an application is filed by the petitioner before the concerned Magistrate, the same shall be decided, in accordance with law, within a period of two months of its receipt.

**30.09.2020**  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No